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and leave the jury to apply the evidence, with such aid as is afforded by giving general principles of law.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 471; Dec. Dig. § 200.*]

26. Trial (§ 252*)—Instructions—Evidence—Applicability to Evidence.—It is not error to refuse an instruction submitting an issue where there is no sufficient evidence to warrant it.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 596-612; Dec. Dig. § 252.*]

27. Trial (§ 253*) — Instructions — Ignoring Evidence. — It is not error to refuse an instruction which ignores part of the evidence.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 613-623; Dec. Dig. § 253.*]

ADAMS EXPRESS CO. *v.* CHARLOTTESVILLE WOOLEN MILLS.

Dec. 3, 1908

[63 S. E. 8.]

1. Constitutional Law (§ 48*)—Presumptions in Favor of Constitutionality.—Every statute is presumed to be constitutional, and cannot be declared otherwise unless it is so clearly unconstitutional as to leave no doubt; and of two possible constructions that one will be adopted which will render it constitutional.

[Ed. Note.—For other cases, see Constitutional Law, Cent. Dig. § 46; Dec. Dig. § 48.*]

2. Commerce (§ 12*)—State Law—Conflict with Federal Law.—Interstate Commerce Act Feb. 4, 1887, c. 104, § 10, 24 Stat. 382, amended by act March 2, 1889, c. 382, § 2, 25 Stat. 857 (U. S. Comp. St. 1901, p. 3160), provides that "any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, * * * and shall knowingly and willfully, by false billing, false representation of the contents of the package, or false report or weight, * * * obtain transportation for such property at less than the regular rates then established, * * * shall be deemed guilty of fraud, * * * and shall, upon conviction, * * * be subject for each offense to a fine. * * *" Va. Code 1904, § 1294c, cl. 10, is practically identical with the above, except that the punishment prescribed by it is less severe than that imposed by the federal statute. Held, that the state law is not unconstitutional, as in conflict with the provisions of the federal law.

[Ed. Note.—For other cases, see Commerce, Cent. Dig. § 7; Dec. Dig. § 12.*]

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.